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Supreme Court of the United States.

OCTOBER TERM, 1962

No. 134

DAVID NAMET,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT.

JOHN H. FITZGERALD,
Attorney for Petitioner.

1 State Street,
Boston 9, Mass.

[301 F. 2d 314.]

United States Court of Appeals for the First Circuit.

No. 5924.

DAVID NAMET,
DEFENDANT, APPELLANT,

v.

UNITED STATES OF AMERICA,
APPELLEE.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS.

Before WOODBURY, *Chief Judge*, ALDRICH, *Circuit Judge*, and FORD, *District Judge*.

John H. FitzGerald for appellant.
Paul J. Redmond, Assistant U. S. Attorney, with whom *W. Arthur Garrity, Jr.*, United States Attorney, was on brief, for appellee.

OPINION OF THE COURT.

April 23, 1962.

PER CURIAM. An examination of the record discloses no error warranting vacation of the judgment below.

Judgment will be entered affirming the judgment of the District Court.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(SEAL)

UNITED STATES OF AMERICA
v.
IRVING KAHN
No. 60-304-S CRIMINAL

On this 23d day of October, 1961, came the attorney for the government and the defendant appeared in person, and [1] by counsel,

IT IS ADJUDGED that the defendant has been convicted upon his plea of [2] Guilty of the offense of engaging in the business of accepting wagers, and in receiving wagers for or on behalf of a person liable for the tax on wagers, having wilfully failed to pay the special occupational tax as required by 26 U.S.C. 4411, due and owing to the United States; in violation of 26 U.S.C. 7203—Count I, and engaging in accepting and receiving wagers for or on behalf of a person liable for the tax on wagers, and having wilfully failed to register; in violation of 26 U.S.C. 7203. as charged [3] in Information—2 Counts—and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that [4] defendant be imprisoned for a period of one (1) year; execution of sentence suspended and defendant placed on probation for a period of two (2) years and to pay a fine of fifteen hundred (1500) dollars by 11 A.M. October 24, 1961 or stand committed.

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver two certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

s/ GEORGE C SWEENEY
United States District Judge.

.....
Clerk.

A TRUE COPY. Certified this 31st day of October, 1961.
(*Signed*) JOHN A. CANAVAN (*By*) HELEN I. TWEEDY
Clerk. *Deputy Clerk.*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(SEAL)

UNITED STATES OF AMERICA *v.* ANNETTE KAHN	No. 60-304-S CRIMINAL

On this 23d day of October, 1961, came the attorney for the government and the defendant appeared in person, and [1] by counsel,

IT IS ADJUDGED that the defendant has been convicted upon his plea of [2] Guilty of the offense of engaging in the business of accepting wagers, and in receiving wagers for or on behalf of a person liable for the tax on wagers, having wilfully failed to pay the special occupational tax as required by 26 U.S.C. 4411, due and owing to the United States; in violation of 26 U.S.C. 7203—Count I, and engaging in accepting and receiving wagers for or on behalf of a person liable for the tax on wagers, and having wilfully failed to register; in violation of 26 U.S.C. 7203, as charged [3] in Information—2 Counts—and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that [4] imposition of sentence be suspended and defendant placed on probation for a period of two (2) years.

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding,

industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver two certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

s/ GEORGE C SWEENEY
United States District Judge.

.....
Clerk.

A TRUE COPY. Certified this 31st day of October, 1961
(*Signed*) JOHN A. CANAVAN (*By*) HELEN I. TWEEDY
Clerk. *Deputy Clerk.*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(SEAL)

UNITED STATES OF AMERICA
v.
DAVID NAMET
No. 60-303-S CRIMINAL

On this 23d day of October, 1961 came the attorney for the government and the defendant appeared in person and [1] by counsel,

IT IS ADJUDGED that the defendant has been convicted upon his plea of [2] not guilty and jury verdict of guilty of the offense of engaging in the business of accepting wagers, and in receiving wagers for or on behalf of a person liable for the tax on wagers imposed by 26 U.S.C. 4411, having wilfully failed to pay the special occupational tax due and owing to the United States; in violation of 26 U.S.C. 7203 —Count I; and engaging in the business of accepting wagers and in receiving wagers for or on behalf of a person liable for the tax on wagers, wilfully failing to register as required by 26 U.S.C. 4412; in violation of 26 U.S.C. 7203 —Count 2. as charged [3] in Information—2 Counts—and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized

representative for imprisonment for a period of [4] four (4) months and to pay a fine of one thousand (1000) dollars; execution of sentence stayed for two (2) weeks for appeal.

IT IS ADJUDGED that [5]

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

s/ GEORGE C SWEENEY,
United States District Judge.

The Court recommends commitment to: [6]

.....,
Clerk.

A True Copy. Certified this 31st day of October. 1961

(*Signed*) JOHN A. CANAVAN (*By*) HELEN I. TWEEDY
Clerk *Deputy Clerk.*

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 5924.

DAVID NAMET,
Defendant, Appellant,

v.

UNITED STATES OF AMERICA,
Appellee.

ORDER OF COURT

May 4, 1962

Upon motion of appellant, to stay mandate herein pending an application to the Supreme Court of the United States for a writ of certiorari, the same to be filed by the date prescribed by law, and notice of such filing to be filed promptly with the Clerk of this Court,

It is ordered that said mandate be, and the same hereby is, stayed.

By the Court:

/s/ ROGER A. STINCHFIELD
Clerk.